

No. 23-2213

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CONTINENTAL CEMENT COMPANY, LLC,

Petitioner,

v.

**SECRETARY OF LABOR, MINE SAFETY AND HEALTH
ADMINISTRATION**

and

**FEDERAL MINE SAFETY AND HEALTH REVIEW
COMMISSION,**

Respondents.

Appeal from Federal Mine Safety and Health Review Commission
Docket No. CENT 2021-0013

MOTION FOR EXTENSION OF BRIEF FILING DEADLINE

David L. Schenberg
R. Lance Witcher
Thomas R. Chibnall
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Petitioner Continental Cement Company, LLC (“Continental Cement”) requests an extension of the deadlines for filing its response brief with addendum, and the appendix. In support, Continental Cement states as follows:

1. Continental Cement’s opening brief with addendum, and the appendix, are currently due on July 10, 2023.

2. Due to the undersigned lead counsel also having responsibilities for briefing due in the United States Court of Appeals for the Ninth Circuit, *Rodriguez v. The Boeing Company*, No. 21-35951, on June 29, 2023, and for a hearing in the Circuit Court of the County of St. Charles, Missouri, *Groezienger v. Encompass Health Corp., et al.*, No. 2211-CC00852, on June 29, 2023, and due to the undersigned’s prescheduled vacation the following week, Continental Cement requests an extension of the current deadlines from July 10, 2023 to and including August 11, 2023.

3. This is Continental Cement’s first request for an extension of time, and the request is made for good cause and in good faith.

4. Opposing counsel has no objection to this motion.

WHEREFORE, Petitioner Continental Cement Company, LLC respectfully requests that the deadlines for filing its brief with addendum, and the appendix, be extended to August 11, 2023 and for such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

/s/ David L. Schenberg

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CERTIFICATE OF COMPLIANCE

This Motion complies with the typeface requirements of F.R.A.P. 32(a)(5), the type-style requirements of F.R.A.P. 32(a)(6), and the length limit of F.R.A.P. 27 (d)(2)(a) because it contains 172 words.

/s/ David L. Schenberg
Attorney for Petitioner
Continental Cement Company,
LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States District Court of Appeals for the Eighth Circuit by using the CM/ECF system and a copy of such filing was served on all registered participants.

/s/ David L. Schenberg
Attorney for Petitioner
Continental Cement Company, LLC